

ORDINANCE NO. 2-71

Parking and Taxing Mobile Homes and Mobile Home Parks

The Board of the Town of Pacific ordains as follows:

Section 1. DEFINITIONS as used in the ordinance.

(a) **LICENSEE** means any person licensed to operate and maintain a mobile home park under this ordinance.

(b) **LICENSING AUTHORITY** means the Town wherein a mobile home park is located and in which a mobile home is located outside a mobile home park.

(c) **PERSON** means any natural individual, firm, trust, partnership, association or corporation.

(d) **UNIT** means a mobile housing unit.

(e) **PARK: MOBILE HOME PARK OR MOBILE HOUSING DEVELOPMENT** means any plot or plots of ground upon which two or more units, occupied, or suitable for occupancy, for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

(f) **MOBILE HOUSING SUBDIVISION** means a plot of ground for mobile home placement and sites are sold instead of rented.

(g) **SITE OR SPACE** means a plot of ground designed for the placement of one mobile housing unit.

(h) **MOBILE HOME** means a housing unit which is desired or was originally desired to be towed in single or multi-sections, upon a highway by a motor vehicle and equipped and used primarily for human habitation, with walls of rigid non collapsible construction, and includes any additions, attachments, annexes, foundations and appurtenances. A house trailer is not deemed a mobile home if the assessable value of additions, attachments, annexes, foundations and appurtenances equals or exceeds 50 percent of assessable value of the house.

(i) NON-DEPENDENT MOBILE HOME means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year-round facilities.

(j) DEPENDENT MOBILE HOME means a housing unit that does not have complete bathroom facilities.

Section 2. LICENSE.

(a) It shall be unlawful for any person to maintain or operate within the limits of the Town of Pacific any mobile home park unless such person shall first obtain a license therefore from the Licensing Authority therefore. All such parks in existence on the date of the publication of this ordinance, shall within 60 days thereafter, obtain such license, and in all other respects comply fully with the requirements of this ordinance, except that the Licensing Authority shall upon application of a park operator, waive such requirements that entail prohibitive construction costs if such waiver does not affect sanitation requirements of the State Board of Health or create a condition to exist which constitutes a hazard to the welfare and health of the community and the occupants of the park.

(b) In order to protect and promote the public health, morals and welfare and to equitably defray the cost of municipal and educational services required by persons and families using or occupying mobile homes and mobile home parks for living, dwelling or sleeping purposes, or owning mobile homes suitable for such purposes, the Board of the Town of Pacific herein establishes rules, regulations, fees and taxing provisions, as follows:

(1) Any person owning a mobile home located in a mobile home park or development, or located at any other place in the Town of Pacific, whether a non-dependent or a dependent mobile home, as mobile home is defined in this ordinance, shall pay to the said Town a monthly fee based upon the following computation by the Town Assessor. Beginning in January of each

year, the Town Assessor shall determine the total fair market value of each mobile home in the Town subject to the monthly parking permit fee. The fair market value, minus the tax exempt household furnishings thus established, shall be equalized to the general level of assessment on other real and personal property in the Town. The value of each mobile home thus determined shall be multiplied by the tax rate established on the preceding May 1 assessment of general property. The parking permit fee shall first be reduced by the credit allowed under s. 77.63 Wisconsin Statutes. The total annual parking permit fee thus computed shall be divided by 12 and shall represent the monthly mobile home parking permit fee. The fee shall be applicable to mobile homes moving into The Town any time during the year. The park operator shall furnish information to The Town Clerk and Town Assessor on mobile homes added to his park within 5 days after their arrival, on forms prescribed by The Wisconsin Department of Revenue. As soon as the assessor receives the notice of an addition of a mobile home to the park, he shall determine its fair market value and notify the Clerk of his determination. The Clerk shall equalize the fair market value established by The assessor and shall apply the tax rate for that year, divide the annual parking permit fee thus determined by 12 and notify the mobile homeowner of the monthly fee to be collected. Liability for payment of the fee shall begin on the first day of the next succeeding month and shall remain on the mobile home only for such months as the mobile home remains in The Town of Pacific. A new fee rate and a new valuation shall be established each January and shall continue for that calendar year. No fee shall be imposed for any space occupied by a mobile home accompanied by an automobile, if The mobile home and automobile beam license plates issued by any other than this state, for an accumulating period not to exceed 60 days in any 12 months or if the occupants of the mobile home are nonresident tourists or vacationists. Exemption certificates in duplicate shall be accepted by the treasurer of the licensing authority from qualified nonresident tourists or vacationists in lieu of monthly mobile home permit fees. When one or more persons occupying a mobile home are employed in this state, there shall be no exemption from the monthly parking

permit fee.

(2) The monthly parking permit fee shall be collected by the owner or operator of any mobile home park or mobile housing development for each mobile home in said park or development and by him remitted to the Clerk of said Town on or before the 10th day of each month.

The owner or operator of said mobile home park or development, and the owner of any mobile home located therein, shall be Jointly liable for the said monthly fee. Failure to timely pay the tax hereunder shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable thereto under Chapters 70 and 74, Wisconsin Statutes. The owner of any mobile home not located in a mobile home park or housing development shall remit the monthly fee personally to the Clerk of said Town on or before the 10th day of each month, and the owner of the mobile home and the owner of the land on which it is located, shall be jointly liable for the said fee. Failure to timely pay the tax hereunder shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable thereto under Chapters 70 and 74, Wisconsin Statutes.

(3) The monthly, fee herein provided shall be payable whether the mobile home is occupied or not, providing it is suitable for human habitation.

Section 3. LICENSE AND PERMIT FEES.

(A) **APPLICATION:** Every owner of a mobile home park or development shall make written application for the operation of such facility to the Clerk of the Town of Pacific before any such park shall be operated, except that any such park in operation at the time of the passage of this ordinance, shall make such application within 30 days after the publication of this ordinance. Such application shall be signed by the owner of such park and shall contain his address, the location and legal description of the park, the complete plan of the park, and the number of mobile homes in the park on the date of the application.

There shall be filed with the application, plans and specifications which shall be in compliance with all applicable Town and County ordinances and provisions of the State Board of Health. The Clerk after approval of the application by the Town Board and upon completion of work according to the plans, shall issue the license, upon payment of the fee provided in this ordinance. A mobile home park or development harboring only non-dependent mobile homes as defined in Section (i) (h) (i) shall not be required to provide a service building.

(B) Every mobile home park or development shall conform to the following requirements:

(1) The park shall be located on a well-drained property, properly graded to insure rapid drainage and free from stagnant pools of water.

(2) Each site shall be clearly defined or delineated; and shall have an average width of not less than 40 feet and the unit shall not occupy in excess of 25% of the area of the site, provided, however, that mobile home parks which, at the time of the adoption of this ordinance, existed lawfully with mobile home sites that do not comply with the foregoing minimum area and width or minimum average area and average width requirements, may continue to operate and may be excused from such compliance as provided in Section 2.

(3) The units shall be so located on each site that there shall be at least a 20 foot clearance between units. No units shall be located closer than 10 feet to any building within the park or to any property line of the park, which does not abut upon a public street or highway. No unit shall be closer than 25 feet from right of way line of a public street or 50 feet from a trunk highway thoroughfare of such other distance as may be established by ordinance or resolutions as a front yard set-back requirement with respect to permanently erected buildings in the district in which the mobile home park is located.

(4) All sites shall abut upon a driveway of not less than 40 feet in width, which shall have unobstructed access to a public street, alley or highway.

(5) All driveways and walkways shall be improved or hard surfaced and lighted at night with sufficient lighting that compares with lighting in any residential area of the average City or Village. Walkways shall have a minimum width of 36 inches.

(6) An electrical outlet supplying at least 100-115/220-25 volts, 50 amperes shall be provided for each mobile home site.

(7) An adequate supply of pure water for drinking and domestic purposes shall be supplied to all buildings and primary housing sites within the park. Each such site shall be provided with a cold water tap, located so as to be accessible from the side of the unit.

(8) Each primary housing site shall be provided with a sewer receptacles at least four inches in diameter, which shall be connected to receive waste from the shower, bath tub, flush toilet, lavatory and kitchen sink of the mobile home on such site having any or all of such facilities. The sewer in each site shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant or septic tank system of such construction and in such manner as will present no health hazard. Receptacles shall be so located as to be accessible from side of units.

(9) Each site shall be attractively landscaped, and all areas fronting the park and any buildings or recreation areas shall be attractively landscaped.

(10) Mobile home parks shall be permitted only in areas zoned for such use.

(11) Each park harboring dependent mobile homes shall be provided with the following sanitation facilities.

(a) One flush toilet and one urinal for males, and one flush toilet for females, one lavatory for each sex, for each 25 dependent sites or fraction thereof.

(b) Each toilet and shower with individual dressing accommodations shall be a private compartment or stall.

(c) The toilet and other sanitation facilities for males and females shall be either in separate buildings or shall be separated, if in the same building, by a soundproof wall. The sanitation facilities shall be distinctly marked to denote the sex for which they are intended.

(C) The Licensee shall pay to the Licensing Authority an annual license fee of \$25.00 for

each 50 sites or fraction thereof within each mobile home park or mobile housing development. In the event of a change in ownership of any licensed premises, an application for transfer of license shall be made to the Licensing Authority, and if approved, no additional fee shall be required for the unexpired period of the current license except that a fee of \$10.00 shall be paid the Licensing Authority for the transfer of the license.

Section 4. PARKING OF MOBILE HOMES OUTSIDE OF A MOBILE HOME PARK OR MOBILE HOUSING DEVELOPMENT.

No person shall park a mobile home in any place other than a mobile home park or development without first obtaining a special permit from the Board of the Town of Pacific. Such special permit may be obtained by submitting a written application to the Clerk of the Town for submission to the Town Board. The application shall be accompanied with photographs taken from the proposed site in four directions, north, south, east and west. In the event there are neighboring residences or business establishments within 500 feet of the proposed site, the Town Board may order a hearing, and notice of said hearing shall be given, by mail, to all persons living within 500 feet of said proposed site. Such notice shall be given at least 5 days prior to such hearing. The Town Board, after considering the application, and after the hearing if one is ordered, if satisfied that the placement will not be detrimental to residence or business property within 500 feet of the proposed site, and will conform to all reasonable health standards and will be satisfactorily landscaped, may issue a special permit for the placement of a mobile home on such site for a period not to exceed six months. The permit is subject to review each six months period before renewal. The Town Board shall have complete discretionary power to issue or withhold, or renew, each permit.

Each party receiving a special permit shall pay the monthly license fee computed as for parties owning or occupying a mobile home in a licensed mobile home park or development under Section 2 (b)(1), and the owner of the land on which the mobile home is placed shall be jointly liable with the owner or occupant of the mobile home for the payment of the fee. The fee

shall be due and payable to the Town Clerk on the 10th day of each month, and failure to timely pay the tax hereunder shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable thereto under Chapters 70 and 74, Wisconsin Statutes.

Section 5. SERVICE BUILDINGS IF INCLUDED IN PARK PLAN.

Design and facilities for service buildings are regulated as herein provided:

- (a) Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances, regulations, and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
- (b) Service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of moisture-proof material, which may be painted woodwork as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees Fahrenheit during the period from October 1st to May 1st. The floors of the service buildings shall be of water impervious material. Washing and drying machines may be installed according to the needs of the park or development.
- (c) All service buildings and the grounds of the park or development shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public, or constitute a nuisance.

Section 6. GARBAGE RECEPTACLES.

Metal garbage cans with tight fitting covers shall be available in such quantities as are necessary to permit disposal of all garbage and rubbish. Garbage cans shall be located no farther than 100 feet from every mobile home site. The cans shall be kept in sanitary condition at all times, Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage containers shall not overflow, but not less than once a week.

Section 7. FIRE PROTECTION.

Service buildings shall be equipped with fire extinguishers, and there shall be available a water supply for use by such equipment as is used by the available municipal fire department closest to the park or development. No open fires shall be started without permission of the Town Chairman. No fires shall be left unattended at any time.

Section 8. ANIMALS AND PETS.

No mobile home owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance.

Section 9. SUPERVISION.

The licensee or permittee, or a duly authorized attendant or caretaker shall at all times be in charge of each mobile home park or development. The attendant or caretaker shall be answerable with the licensee or permittee for the violation of any provision of this ordinance to which the licensee or permittee is subject.

Section 10. GUEST PARKING.

Residents desiring to park a guest's touring housing unit on their premises in excess of 5 days shall obtain a permit from the Licensing Authority. Application therefore shall be made to the Town Clerk. The Town Board, after consideration of sanitation facilities may, at its discretion~ issue a special permit no~ to exceed 15 days. A fee of \$3.00 shall be paid for such permit and shall accompany the application. No mobile home or touring unit shall be parked on any street or highway in the Town in excess of 5 hours.

Section 11. UNOCCUPIED STORAGE.

The parking of any unoccupied touring unit in a building is permitted, provided no living quarters shall be maintained or any business conducted in such unit while so parked or stored. The person so storing a touring unit shall immediately report such action to the Town Assessor and such unit shall be Taxed as personal property.

Section 12. MANAGEMENT.

(1) In every mobile home park or development there shall be located an office for the person in charge of such facility.

(2) It shall be the duty of the owner of the mobile park or development, or operator, together with any attendants or persons in charge of such facility to:

- (a) Keep a register of all occupants of mobile homes which shall be open at all times for inspection by federal, state and local officials.
- (b) Maintain the park or development in a clean, orderly and sanitary condition at all times.
- (c) Report presence of dogs or any other animals running loose in the park.
- (d) Report to the local health officer all cases of persons or animals affected or suspected of being affected with any communicable disease,
- (e) Post copies of their rules and regulations in one or more conspicuous places in the mobile home park or development where they can be easily seen by residents and visitors.

Section 13. POSTING OF LICENSE AND PERMIT.

The license certificate or special permit shall be conspicuously posted in the office, or on the premises of the mobile home park or development at all times.

Section 14 REVOCATION OR SUSPENSION OF LICENSE.

Any license or permit granted under this ordinance shall be subject to revocation or suspension for cause by the Town Board, upon a complaint filed with the Clerk of the Town of Pacific, signed by any law enforcement officer, health officer, or any other Town official other than a member of the Town Board, the Town Board may order a public hearing upon such complaint. The holder of the license or permit shall be given 10 days notice in writing of such hearing and shall be entitled to appear and be heard as to why such license should not be suspended or revoked. The Licensee or Permittee whose license or permit is revoked or

suspended by The Licensing Authority may, within 20 days of the date of such revocation or suspension, appeal therefrom to the Circuit Court of Columbia County, Wisconsin, by filing a written notice of appeal with The Town Clerk, together with a bond in the sum of FIVE HUNDRED and no/100 DOLLARS (\$500.00) executed by two sureties approved by the Town Clerk, or a bonding company approved by said Clerk, conditioned upon the faithful prosecution of such appeal and the payment of costs adjudged against the appellant.

Section 15. RENEWAL OF LICENSE.

Upon application of any licensee and payment of the required fee, and upon approval of the Town Board, the Town Clerk shall issue a certificate renewing the license for one year, subject to revocation or suspension as provided in this ordinance.

Section 16. TEMPORARY VACATIONING UNIT.

No mobile home shall be deemed vacant or unoccupied because of the temporary absence therefrom of the owner or occupant.

Section 17. PARKING OF TOURING OR RECREATIONAL TYPE MOBILE HOME.

(a) Sites for parking touring or recreational mobile homes in licensed parks may be provided in areas set aside for such service. Such areas shall have improved surface for placement of such units and surrounding area shall be landscaped to be accredit to the area. Service of utilities shall be consistent with needs of the type of units parked, and shall meet all requirements of the State Board of Health, local plumbing and electric codes and the building inspector.

Section 18. The number of Mobile Home Parks or Developments that may be licensed in the Town of Pacific shall not exceed two.

Section 19. MOBILE HOME SUBDIVISIONS.

(1) No mobile home subdivision shall, be allowed in the Town of Pacific unless the same is surveyed and platted, the plat is approved by the Town Board and recorded as provided by Chapter 286, Wisconsin Statutes, and the plat in all particulars meets the requirements provided

fop the subdivision of land by The statutes of the State of Wisconsin.

(2) The fee for each unit in a mobile home subdivision shall be computed as under Section 2 (b) (1), and shall be payable to the Town Clerk on/or before the 10th day of each month, by the owner or occupant of the unit. The owner of the land on which the unit is placed shall be jointly liable with the owner or occupant of the unit for the payment of said fee, and any delinquent fee shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable thereto under Chapters 70 and 74, Wisconsin Statutes.

(3) A mobile home subdivision shall be subject to all the provisions of this ordinance relating to sanitation, fire protection, and erection and maintenance of service buildings provided for mobile home parks or developments.

Section 20. SEPARABILITY OF PROVISIONS.

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining potations of this ordinance.